

SO ORDERED: August 31, 2012.



A handwritten signature in black ink, reading "Basil H. Lorch III".

Basil H. Lorch III
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

In re:)	
EASTERN LIVESTOCK CO., LLC,)	Case No. 10-93904-BHL-11
Debtor)	
_____)	

**ORDER ON OBJECTIONS TO AND
MOTION TO STRIKE THE TRUSTEE'S REPORT**

This matter came before the Court on (1) *the Report of the Trustee, James A. Knauer Regarding Investigation and Analysis of Potential Claims Against Fifth Third Bank* ("Trustee's Report"); (2) *the Objections to the Trustee's Report* filed by Superior Livestock Auction, Inc. ("Superior") and First Bank and Trust Company ("First Bank"); (3) *the Motions to Strike the Trustee's Report* filed by Superior and First Bank; (4) *the Joinders to Objections to Trustee's Report* filed by CPC Livestock, Bluegrass Stockyards East, LLC, Bluegrass Stockyards, LLC, Bluegrass-Maysville Stockyards, LLC, Bluegrass Stockyards of Richmond, LLC, Bluegrass South Livestock Market, LLC, Bluegrass Stockyards of Campbellsville, LLC, East Tennessee Livestock Center, Inc., Southeast Livestock Exchange, LLC, and Piedmont Livestock Company, Inc. and Laurel Livestock;

(5) the *Comments and Adoption by Hoover Hull LLP of the Trustee's Report*; (6) the *Reply to Comments and Adoption by Hoover Hull LLP of Trustee's Report* filed by Superior; (7) the *Trustee's Response to Objections to and Motions to Strike the Trustee's Report*; and (8) the *Reply by Superior to Trustee's Response to Objections to and Motions to Strike the Trustee's Report*.

A hearing was held on August 20, 2012, at which time testimony and evidence was presented by the parties. The Court, having considered the foregoing, finds no basis for striking the Trustee's Report. As a fiduciary to the estate, the Trustee is charged with the duty to evaluate the potential claims against Fifth Third. There was nothing improper about the Trustee submitting the Report and summarizing his conclusions based on Special Counsel's investigation of potential claims against Fifth Third. Furthermore, the Trustee's Report is not a pleading nor is it a prohibited solicitation of votes under 11 U.S.C. § 1125(b).

The Objections to the Trustee's Report are, accordingly, **OVERRULED** and the Motions to Strike are **DENIED**. To the extent, however, that the parties have raised questions as to the neutrality of the report and possible bias in favor of the Trustee's proposed plan, those claims will be addressed at the hearing on the Disclosure Statement, currently scheduled on September 7, 2012, at 9:30 a.m., to insure that creditors have complete and accurate information before voting on the plan.

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